FINAL ADMINISTRATIVE DECISION
ILLINOIS PROPERTY TAX APPEAL BOARD

APPELLANT: Carolyn Lupescu
DOCKET NO.: 07-20486.001-R-1
PARCEL NO.: 23-13-403-035-0000

The parties of record before the Property Tax Appeal Board are Carolyn Lupescu, the appellant, by attorney Lisa A. Marino, of Marino & Assoc., PC in Chicago; and the Cook County Board of Review.

Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds ***no change*** in the assessment of the property as established by the **Cook** County Board of Review is warranted. The correct assessed valuation of the property is:

LAND:	$ 5,940
IMPR.:	$ 34,316
TOTAL:	$ 40,256

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a two-story, multi-family dwelling of masonry construction containing 5,292 square feet of living area. The dwelling is 36 years old and is situated on a 7,425 square foot site. Features include six full baths, six bedrooms, and a full finished basement. The appellant, via counsel, argued both the market value of the subject property is not accurately reflected in the property's assessed valuation and that there was unequal treatment in the assessment process of the improvement as the bases of this appeal.

In support of the equity argument, the appellant submitted descriptive and assessment information, as well as black and white photographs, relating to four suggested comparables, located within two miles of the subject. The properties are improved with a three-story, masonry, multi-family dwelling. They range: in age from 34 to 35 years; in size from 5,904 to 6,654 square feet of living area; and in improvement assessment from $5.60 to $5.84 per square foot of living area. Amenities for the properties include six full baths and a partial or full,

unfinished basement. The subject's improvement assessment is $6.48 per square foot of living area.

In support of the overvaluation argument, the appellant submitted a written brief indicating the subject's income and expenses history for 2005, 2006 and 2007. A stabilized net operating income of $21,990 was capitalized at 13.98% to arrive at a market value for the subject of $157,296. The taxpayer's 2005 and 2006 Schedule E's were submitted along with a computer-generated partial 2007 income and expense statement. Based on this evidence, the appellant requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review-Notes on Appeal" wherein the subject's improvement assessment of $34,316 was disclosed. In support of the subject's assessment, the board of review submitted descriptive and assessment data, as well as black and white photographs, relating to three suggested comparables, located within the subject's neighborhood, two of which are on the same block as the subject. The properties are improved with a two-story, masonry, multi-family dwelling. They range: in age from 34 to 36 years; in size from 4,384 to 5,292 square feet of living area; and in improvement assessment from $6.36 to $7.46 per square foot of living area. Amenities for the properties include five or six full baths, six to ten bedrooms, and a full finished basement. The board also noted the sale of the subject on its grid sheet in April 2006 for $95,000, or $17.95 per square foot, including land, however the board attached a printout from the Cook County Recorder of Deeds website indicating the original transfer was in January 2005 for $451,000, or $85.22 per square foot, including land. The appellant confirmed this sale date and price on her board of review cover sheet. The sale of comparable #1 in February 2006 for $240,000, or $45.35 per square foot, including land was also noted on the grid sheet. Based on this evidence, the board of review requested confirmation of the subject's assessment.

After reviewing the record and considering the evidence, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of this appeal.

The appellant contends unequal treatment in the subject's improvement assessment as one of the bases of this appeal. Taxpayers who object to an assessment on the basis of lack of uniformity bear the burden of proving the disparity of assessment valuations by clear and convincing evidence. Kankakee County Board of Review v. Property Tax Appeal Board, 131 Ill.2d 1 (1989). After an analysis of the assessment data, the Board finds the appellant has not met this burden.

The parties submitted a total of seven comparable properties for the Board's consideration. The Board finds that comparables #1 through #3 submitted by the board of review are most similar to the subject in design, location, age, and improvement size. They are two-story, masonry, multi-family dwellings that are located

in the subject's neighborhood and contain between 4,384 and 5,292 square feet of living area. These comparables range in age from 34 to 36 years. In analysis, the Board accorded the most weight to these comparables. These comparables ranged in improvement assessment from $6.36 to $7.46 per square foot of living area. The subject's improvement assessment at $6.48 per square foot is within the range established by these comparables.

After considering adjustments and the differences in both parties' comparables when compared to the subject, the Board finds the subject's improvement assessment is equitable and a reduction in the subject's assessment is not warranted.

When overvaluation is claimed, the appellant has the burden of proving the value of the property by a preponderance of the evidence. Cook Cnty. Bd. of Review v. Prop. Tax Appeal Bd., 339 Ill. App. 3d 529, 545 (1st Dist. 2002); National City Bank of Michigan/Illinois v. Prop. Tax Appeal Bd., 331 Ill. App. 3d 1038, 1042 (3d Dist. 2002) (citing Winnebago Cnty. Bd. of Review v. Prop. Tax Appeal Bd., 313 Ill. App. 3d 179 (2d Dist. 2000)); 86 Ill. Admin. Code § 1910.63(e). Proof of market value may consist of an appraisal, a recent arm's-length sale of the subject property, recent sales of comparable properties, or recent construction costs of the subject property. Calumet Transfer, LLC v. Prop. Tax Appeal Bd., 401 Ill. App. 3d 652, 655 (1st Dist. 2010); 86 Ill. Admin. Code. § 1910.65(c). Having considered the market value evidence presented, the Board concludes that this evidence indicates a reduction is not warranted.

The appellant submitted documentation showing the income and expenses relating to the subject property. The Board gives the appellant's argument little weight. In Springfield Marine Bank v. Property Tax Appeal Board, 44 Ill.2d 428 (1970), the court stated:

> [I]t is the value of the "tract or lot of real property" which is assessed, rather than the value of the interest presently held. . . [R]ental income may of course be a relevant factor. However, it cannot be the controlling factor, particularly where it is admittedly misleading as to the fair cash value of the property involved. . . [E]arning capacity is properly regarded as the most significant element in arriving at "fair cash value".
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> Many factors may prevent a property owner from realizing an income from property that accurately reflects its true earning capacity; but it is the capacity for earning income, rather than the income actually derived, which reflects "fair cash value" for taxation purposes. Id. at 431.

Actual expenses and income can be useful when shown that they are reflective of the market. Although the appellant's attorney made this argument, the appellant did not demonstrate through an

expert in real estate valuation that the subject's actual income and expenses are reflective of the market. To demonstrate or estimate the subject's market value using income, one must establish, through the use of market data, the market rent, vacancy and collection losses, and expenses to arrive at a net operating income reflective of the market and the property's capacity for earning income. The appellant did not provide such evidence and, therefore, the Board gives this argument no weight and finds that a reduction based on market value is not warranted.

This is a final administrative decision of the Property Tax Appeal Board which is subject to review in the Circuit Court or Appellate Court under the provisions of the Administrative Review Law (735 ILCS 5/3-101 et seq.) and section 16-195 of the Property Tax Code.

Chairman

Member

Member

Member

Member

DISSENTING:

C E R T I F I C A T I O N

As Clerk of the Illinois Property Tax Appeal Board and the keeper of the Records thereof, I do hereby certify that the foregoing is a true, full and complete Final Administrative Decision of the Illinois Property Tax Appeal Board issued this date in the above entitled appeal, now of record in this said office.

Date: February 22, 2013

Clerk of the Property Tax Appeal Board

IMPORTANT NOTICE

Section 16-185 of the Property Tax Code provides in part:

"If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel after the deadline for filing

complaints with the Board of Review or after adjournment of the session of the Board of Review at which assessments for the subsequent year are being considered, the taxpayer may, within 30 days after the date of written notice of the Property Tax Appeal Board’s decision, appeal the assessment for the subsequent year directly to the Property Tax Appeal Board."

In order to comply with the above provision, YOU MUST FILE A PETITION AND EVIDENCE WITH THE PROPERTY TAX APPEAL BOARD WITHIN 30 DAYS OF THE DATE OF THE ENCLOSED DECISION IN ORDER TO APPEAL THE ASSESSMENT OF THE PROPERTY FOR THE SUBSEQUENT YEAR.

Based upon the issuance of a lowered assessment by the Property Tax Appeal Board, the refund of paid property taxes is the responsibility of your County Treasurer. Please contact that office with any questions you may have regarding the refund of paid property taxes.